

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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IN THE UNITED STATES DISTRICT COURT
FOR VERMONT

BY *lw*
DEPUTY CLERK

Zack McCain III
PLAINTIFF

Case No: 2:14-cv-00092

vs.

United States of America, et al
DEFENDANT

DECLARATION IN SUPORT OF MOTION FOR ISSUANCE OF SUMMONS AND THE COMPLAINT INTER ALIA

I am the plaintiff in the above caption matter, and I make this declaration out to support my motion for the Court to reissue the summons and the complaint upon defendant Robert Sanders, informally, the EEOC Director at the time such claims arose, while his tenure at the Field Office, in Boston, Massachusetts.

The Amended Complaint alleges that defendant Sanders knew about the private prisons industry, and the adverse impact; The Amended Complaint also alleges that Sanders made statements concerning Paul Campbell entering into agreements with Costco' in order to coordinate my signature.

Nevertheless, on about May 2, 2014 this Court improvidently granted my mandamus petition, whereas, I told the Court that I had no way to force the EEOC, to give me personal information pertaining to compel the U.S. Marshal Service to reissue the Summons and the Amended Complaint upon the three federal officials, sued in their individual capacities.

However, just recently, on about July 17, 2014, a letter from Lisa Wright, Operation Supervisor, from this Court, attached with EEOC, Director, Ken Ann, a defendant in this case, returning the summons and complaint back to the U.S. Marshal Service Field Office, in Burlington, Vermont.

On July 23, 2014, I spoke with a Ms. Prue, Criminal Program Specialist, for the U.S. Marshal Service, and informed her that this Court done already ordered the Summons and the Complaint to be served upon defendant Sanders, and she recommended that the Court to order that the complaint be reissued for a Marshal to serve the complaint in person at the EEOC.

I have no other way, to compel service of process upon Robert Sanders, but to request that this Court to instruct service to be performed as recommended by Ms. Prue, U.S. Marshal Service.

Therefore, I make this declaration out in support my motion to reissue of the Summons and Complaint upon defendant Robert Sanders, and for a reasonable adjournment of time, for the U.S. Marshal Service to execute service, or as in the alternative, to convene a hearing for contempt proceedings.

Pursuant to Title 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.


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